

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1, 3-6, 15-19 and 21-28. Claims 1, 6, 18, 19, 21, 27 and 28 are amended herein, and new claim 28 is added. No new matter is presented.

Thus, claims 1, 3-6, 15-19 and 21-29 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 102(b):**

Claims 1, 3, 4, 18, 27 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,675,630 (Beatty), and claims 27 and 28 were rejected as being anticipated by U.S. Patent No. 5,642,410 (Walsh).

The Examiner asserts that since the user in Beatty is associated with a number assignment module (NAM), it has a high probability of use by the user. However, according to Beatty, a NAM is associated with a phone book or a speed dial directory and the phone book is activated when that particular NAM has been selected (see, col. 4, lines 47-54). For example, a user is required to scroll through the NAM options on a display of the user's phone and selects therefrom to activate a NAM for use (see, col. 4, lines 25-34). As such, the user in Beatty is required to manually select the NAM for use by pulling up or scrolling through the NAM options and does not teach or suggest detecting of a use situation of the phone and providing the NAM most likely to be used based for the detected use situation.

The Examiner acknowledges that Beatty does not disclose that the NAM modes are triggered according to one of an e-mail or telephone address of a contacted party, but relies on Walsh as teaching the same. However, the rules in Walsh are limited to triggering access to a particular database based on the rules for providing information from the particular database (see, col. 8, line 34-55 and col. 9, lines 31-53). As such, the rules in Walsh are limited to call handling procedures and triggering access to databases without changing the function of the telephone system.

In contrast, the present invention selects a function including information of the function that is most likely to be used to modify the operation of the portable apparatus. For example, as illustrated in FIG. 3, setting a using situation of the portable apparatus from a private mode to a business mode causes application programs or functions to be changed from the private mode

to the business mode to thereby modify a routine or procedure of the portable apparatus and perform a specific task.

Independent claim 1, by way of example, recites "a switch configured to set a using situation of the portable apparatus usable by the particular user to one of a plurality of modes usable by the user." Claim 1 further recites, "a control part configured to automatically select, based on said set using situation, a function of the portable apparatus having a high possibility of use by the particular user and information stored in the portable apparatus having a high possibility of use" depending on "the function selected." Independent claim 18 also recites similar features.

Independent claim 27 recites, "classifying uses executed using the terminal into a first operation mode and a second operation mode while the uses are being executed" and "controlling the terminal to switch between the first operation mode when a first data is transmitted and the second operation mode when a second data is transmitted based on said classifying and a set use as identified by said switch."

Independent claim 28 recites, "detecting a current use of the terminal based on a type of information exchanged via the terminal based on a use set by a switch" and "automatically providing a function of the terminal including information stored therein, based on said use set, that has a high possibility of use."

Beatty is limited to manual selection of the NAM and Walsh is limited to call handling procedures without changing a function of system.

Thus, Beatty and Walsh, alone or in combination, do not teach or suggest the above-discussed features of independent claims 1, 18, 27 and 28 including selecting "a function" or "operation mode" most likely to be used based on set or detected using situation or use.

It is submitted that the independent claims are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, claim 4 recites that "said control part displaying the automatically selected function and/or information on the display part in a manner usable by the particular user." The cited references, alone or in combination, do not teach or suggest these features of claim 4.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 5, 6, 15-17, 19 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: Beatty, Walsh, U.S. Patent No. 6,047,062 (Bijman) and U.S. Patent No. 6,477,374 (Shaffer).

The Examiner relies on Shaffer as teaching detection of the using situation based on time information. However, the pre-programmed calendar of time and date association in Shaffer is limited to routing calls (see, col. 3, lines 2-7) and does not teach or suggest changing functions of a portable apparatus as in the present invention.

The Examiner further relies on Bijman to reject dependent claim 17 directed to managing the linked functions and/or information as a database and “automatically” adding data of the functions that are not included in the database. However, Bijman is limited to updating a phone book directory by adding a caller’s telephone number if a stored number associated with the caller does not match a telephone number provided when a call is received (see, column 2, lines 27-33).

The claimed portable apparatus of claim 6 includes, “a control part configured to automatically select, based on said detected using situation, a function of the portable apparatus usable by the particular user and information stored in the portable apparatus usable by the particular user” based on “the function selected and to make the selected function including information with respect to the function usable.” Independent claim 19 also recites similar features.

Independent claim 21 recites, “a switch indicating one of a business mode for business use and a private mode for personal use, of the portable apparatus usable by the particular user, based on the time of day.” Claim 21 further recites, “automatically selecting, based on said indicating, at least one of a function of the portable apparatus usable by the particular user and information stored in the portable apparatus usable by the particular user from the managing unit depending on the function selected, and said indicating by the switch based on the time of day.”

The cited references, alone or in combination, do not teach or suggest the above-discussed features of the independent claims.

Thus, it is submitted that independent claims 6, 19 and 21 are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, as recited in claim 15, "said control part determines an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use." The cited references, alone or in combination, do not teach or suggest determining "an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use", as recited in claim 15.

Therefore, withdrawal of the rejection is respectfully requested.

**NEW CLAIM:**

New claim 29 emphasizes that the present invention includes, "determining a location of the portable terminal including a function used for executing a first set of procedures" and "modifying the function and information with respect to the function for executing a second set of procedures based on the location." New claim 29 further recites that the first and second set of procedures include "displaying an application program used for the function of the portable terminal."

The cited references, alone or in combination, do not teach or suggest "determining a location of the portable terminal including a function used for executing a first set of procedures" and "modifying the function and information with respect to the function for executing a second set of procedures based on the location", as recited in claim 29.

Thus, it is respectfully submitted that new claim 29 is patentably distinguishable over the cited references.

**CONCLUSION:**

Accordingly, claims 1, 6, 18, 19, 21, 27 and 28 are amended and new claim 28 is added. No new matter is presented.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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